



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-948]

Certain Toy Figurines and Toy Sets Containing the Same

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 6, 2015, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of LEGO A/S of Denmark; LEGO System A/S of Denmark; and LEGO Systems, Inc. of Enfield, Connecticut.

SUPPLEMENTARY INFORMATION: Letters supplementing the complaint were filed on February 18, 2015 and March 10, 2015. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toy figurines and toy sets containing the same by reason of infringement of U.S. Design Patent No. D682,367 (“the ’367 patent”); U.S. Design Patent No. D678,432 (“the ’432 patent”); U.S. Design Patent No. D689,568 (“the ’568 patent”); U.S. Design Patent No. D672,413 (“the ’413 patent”); U.S. Copyright Registration No. VA 1-876-291 (“the ’291 copyright”); U.S. Copyright Registration No. VA 1-876-279 (the ’279 copyright”); U.S. Copyright Registration No. VA 1-876-378 (“the ’378 copyright”); and U.S. Copyright Registration No. VA 1-876-373 (“the ’373 copyright”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.10 (2014).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 10, 2015, **Ordered That** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within

the United States after importation of certain toy figurines and toy sets containing the same by reason of infringement of one or more of the claim of the '367 patent; the claim of the '432 patent; the claim of the '568 patent; the claim of the '413 patent; the '291 copyright; the '279 copyright; the '378 copyright; and the '373 copyright, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

LEGO A/S,
Aastvej 1,
DK-7190,
Billund, Denmark.

LEGO System A/S,
Aastvej 1,
DK-7190,
Billund, Denmark.

LEGO Systems, Inc.,
555 Taylor Road,
Enfield, CT 06082.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

La Rose Industries LLC d/b/a CRA-Z-Art,
1578 Sussex Turnpike,
Randolph, NJ 07869.

MEGA Brands, Inc.,
4505 Hickmore,
Montreal, Quebec, Canada H4T 1K4.

Best-Lock Construction Toys, Inc.,
Suite 300, Rivergate Plaza,
444 Brickell Avenue,
Miami, FL 33131.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR § 210.13. Pursuant to 19 CFR §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for

submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: March 11, 2015.

Lisa R. Barton,

Secretary to the Commission.